

## REMARKS

This is intended as a full and complete response to the Final Office Action dated April 8, 2008, having a shortened statutory period for response set to expire on July 8, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1, 2, 4-12, 14-23 and 25-29 are pending in the application. Claims 1, 2, 4-12, 14-23 remain pending following entry of this response. Claim 22 has been amended to correct a minor informality. Claims 25-29 have been cancelled.

However, Applicants do not concede that any amended or canceled claim is not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue any pre-amended or canceled claim (and other claims) in one or more continuations and/or divisional patent applications.

### Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4-12, 14, 15, 17-23 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by *Rivette et al.* (U.S. Patent No. 6,877,137, hereinafter, "*Rivette*"). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

*Rivette* is directed to a:

method ... of linking annotations (or notes or sub-notes in a note) to Web pages. The invention enables a user to select a portion of a Web page stored at a Web site or from a local file system (if the portion of the Web page was cached). The invention creates an annotation, and links the annotation to the selected portion. The invention receives a request from a user viewing the annotation to display the selected portion linked to the annotation. In response to this request, the invention makes a connection to the Web site, if a connection is not already created, and causes the Web site to send the Web page and present the selected portion. Also note that if the portion of the Web page was cached and thus stored in a local file system, then the present invention does not need to make a connection to a Web site.

*Rivette*, 4:60-67 – 5:1-9. As disclosed in *Rivette*, the each “note” or “sub-note” is linked to a specific portion of a particular document. That is, each “note” is associated with a specific web-page, e.g., an html document stored on a specific server. On this point, *Rivette* provides:

A note or sub-note may be linked to all or any portion of a Web page. (In the discussion contained herein, attributes of sub-notes also apply to notes.) Multiple sub-notes may be linked to portions of the same Web page. This is true, whether the sub-notes are in the same or different notes. These Web page portions may be completely overlapping, partially overlapping, or non-overlapping. Also, the sub-notes in a note may be linked to portions of a single Web page, or to portions of one or more Web pages.

*Rivette*, 18:34-43. Similarly, a “sub-note” (a note created for a note) may be linked to a web-page.

The present invention allows users to link sub-notes to portions of data object, preferably Web pages. In FIG. 29, for example, Sub-note A is linked to a portion of Web Page A via link 2911. As discussed above, a Web page (or data object) represents any information in any form that can be accessed and/or processed by a computer via the Internet.

*Rivette*, 18:13-18. As described in these passages, each note is created for a specific document, in particular a specific web page. Once a note is created for a specific web-page, when that web-page is viewed, a browser may be configured to display an indication that a note is available for that webpage. For example, *Rivette*, Figure 22 shows that “the user can issue a command to view sub-note A by selecting the linking button 2104 next to the portion 2102 of the web page that is linked to Sub-note A.”

*Rivette*, 35:43-45. Again, however, “sub-note A” is clearly linked to a particular web

document. In this specific example from *Rivette*, Figure 22, a web page titled “aurigin.com” is displayed by a browser along with links to two notes created for this web page.

Despite the fact that *Rivette* clearly specifies that “notes” are created, viewed, and retrieved, for a specific web-page, the Examiner continues to argue that the document-specific “notes” or “links” disclosed *Rivette* provide a “global annotation” However, a “global annotation,” as Applicant has defined this term, provides an annotation that is not fundamentally linked to a specific document or web page. Applicants have defined this term as follows:

Standard or “document-centered” annotations are associated with (or “anchored” to) specific documents or locations within those documents and, therefore, rely on those documents for context. **In contrast, a global or “data-centered” annotation is associated with the data element it describes independent of any particular document.** As a result, global annotations may be readily accessible from any variety of applications capable of instantiating the annotated data element, for example, in a loaded document.

Application, ¶ 22. Applicant is aware that the Examiner should not import limitations from the specification (MPEP 2111.01, I), and should give claim terms their “broadest reasonable interpretation.” Nevertheless, “[w]here an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim.” *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a ‘lexicographic vacuum, but in the context of the specification and drawings’).” MPEP 2111.01, IV. In the present case, Claim 1 recites not just an “annotation,” a “note,” or a “link,” but a “global annotation.” Further, Applicants have given this term a clear and explicit definition. Thus, Applicants submit that the “broadest reasonable interpretation” of the term “global annotation” should be well informed by the definition expressly provided by Applicants. Against this proper standard, the “notes” “sub-notes” and “links” described in *Rivette* clearly fail to disclose a “global annotation,” as the “notes” of *Rivette* are not an “annotation [that] is associated with the data element it describes independent of any particular document.” In fact, the complete

opposite is true, the “notes” and “sub-notes” of Rivette are tied to a specific document; namely, a web page.

Regarding claims 1, 2, 4-11:

Further still, the cited passages from *Rivette* do not disclose a “method for exchanging information between entities on a network” that includes “identifying a plurality of data elements capable of being instantiated by a plurality of applications on the network and to which global annotations may be anchored.” Specifically, *Rivette* does not disclose, the claimed step of identifying a plurality of data elements capable of being instantiated by a plurality of applications.” This makes sense, as *Rivette* discloses that “any portion of a webpage” may have a “note” created for it. Thus, there is no need (at least in the system of *Rivette*) to identify portions of a web page for which a “global annotation may be created.” Nevertheless, regarding the “identifying” step of claim 1, the Examiner suggests “*Rivette* column 7 lines 45-67 and column 8 lines 1-7,” discloses this limitation. See Final Office Action, p. 3. The cited passage provides as follows:

The present invention is directed to a system, method, and computer program product (CPP) for attaching annotations (or notes and sub-notes) to data objects, and for linking data objects via the use of annotations. In a preferred embodiment, data objects are Web pages. The note capabilities of the present invention can be used to organize, associate, annotate, and link data objects in an intra and/or inter data object environment with single notes and multiple sub-notes and/or multiple notes and sub-notes to the same data object portions or different data object portions as required by the needs of the user to institutionalize his/her knowledge. Additionally, the note capabilities of the present invention can be used to convey information explaining the rationale for such organization, association, and linkage. Accordingly, the present invention represents a system, method, and CPP for using intelligent notes to organize, associate, annotate, and link data objects. The invention can also be used to manipulate these data objects.

As used herein, the term “data object” refers to any information in any form that can be accessed and/or processed by a computer. Such information includes data generated and/or processed by computer applications and computer-related devices such as word processing applications, spreadsheet applications, presentation managers, database managers, financial applications, networking applications, communication applications, sound recorders and processors, video recorders and

processors, on-line service applications, scanners, computer aided drafting (CAD) applications, virtual reality applications and environments, etc.

*Rivette*, 7:45-67 – 8:1-7. The first paragraph restates that *Rivette* is directed to a system for attaching annotations to “data objects.” And also points out that a preferred “data object” is a specific web page. The second paragraph points out that “data objects” may be created by a variety of applications.

At the same time, at no point in this passage is a plurality of “data elements” actually identified that have the characteristics recited by claim 1; specifically, data elements “capable of being instantiated by a plurality of applications on the network and to which global annotations may be anchored.” Instead, the passage only further confirms that the “annotations” “links” or “notes” of *Rivette* are tied to a particular “data object” accessed by a particular application, whether the “data object” takes the preferred form of a web page (accessed by a web browser), a text document a (accessed by a word processor) or a spreadsheet (accessed by spreadsheet application) etc. Thus, the “notes” disclosed in *Rivette* are anchored to a “data object,” and not a “data element capable of being instantiated by a plurality of applications,” as claimed.

Further still, *Rivette* does not disclose the claimed step of “providing one or more interfaces for viewing, from one or more applications, the global annotations, wherein a first one of the interfaces for viewing the global annotations is accessible from a second application capable of instantiating identified data elements in a second type of document different than the first type of document.” Regarding this limitation, the Examiner points to a passage from *Rivette* describing a user selecting a link from a web page; specifically, the Examiner cites to *Rivette*, 35:37-67 – 36:1-31. A portion of the passage is reproduced below:

#### 6.4 View Note (By Selecting a Linking Button in a Web Page)

One way for the user to issue a command to view an existing sub-note is to select (using the well known point-and-click approach) the linking button displayed proximate to the portion of the Web page that is linked to the sub-note. For example, in FIG. 4, the user can issue a command to view Sub-note A by selecting the linking button 2104 next to the portion 2102 of

the Web page that is linked to Sub-note A. The operation of the Web annotation system 502 in this regard is represented by a flowchart 3702 in FIG. 37.

In step 3704, the user selects the linking button displayed proximate to the portion of the Web page of interest. For illustrative purposes, suppose that the user clicked on the linking button 2204 corresponding to portion 2202 of the Web page titled "aurigin.com" (FIG. 22).

*Rivette*, 35:37-52. The passage describes a user interacting with an interface provided by a web-browser to retrieve an annotation created for a specific web page. Nothing in this passage describes providing one or more interfaces "wherein a first one of the interfaces for viewing the global annotations is accessible from a second application capable of instantiating identified data elements in a second type of document different than the first type of document." Instead, the passage describes a method for retrieving a selected "notes" or "sub-note" created for a specific web page in a web browser.

For all the foregoing reasons, Applicants submit that *Rivette* does not anticipate independent claim 1 or dependent claims 2, 4-11. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Regarding claims 12, 14-21:

*Rivette* fails to disclose a method recited by claim 12 "for creating global annotations," as recited by Claim 12. Nevertheless, the Examiner suggests as follows:

As per claim 12, *Rivette* discloses of [sic] creating global annotations by "loading a first set of data with a first application" through storing information that has been identified through a document into a database (*Rivette* column 33 lines 41-42); "identifying one or more data elements contained in the first set of data to which global annotations can be anchored" by storing the data object from a selected portion of the document [sic] (*Rivette* column 33 lines 49-51).

Office Action, p. 5. The passage cited by the Examiner describes a portion of steps performed to create an annotation for a specific web page. Set out more fully, the cited passage provides:

In step 3506, the notes engine 506 stores information identifying the Web page in the sub-note object. This information may be the file name of the Web page, for example. The notes engine 506 may also store in the sub-note object information identifying the application associated with the Web

page. The notes engine 506 may obtain the information to be stored in the sub-note object by querying the application associated with the Web page.

*Rivette*, 33:41-51. The passage simply does not disclose “identifying one or more data elements contained in the first set of data to which global annotations can be anchored,” as claimed. Instead, the passage again ties a particular “sub-note” to a particular “web page” Applications submit that a step of “storing information identifying the web page in the sub-note object” does not disclose “identifying one or more data elements contained in the first set of data to which global annotations can be anchored.” Clearly, different things are being identified, for different purposes, to accomplish a different result. In *Rivette*, the “web-page” associated with a “sub-note” is identified and stored in that note. As claimed, however, the method for creating a global annotation includes “identifying one or more data elements contained in the first set of data to which global annotations can be anchored.” Unlike the passage from *Rivette*, the claim specifies identifying data elements, prior to any actual global annotations actually being created or in the process of being created.

For all the foregoing reasons, Applicants submit that *Rivette* does not anticipate independent claim 12 or dependent claims 14-21. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Regarding claims 22 and 23:

Applicants submit that *Rivette* does not disclose a “method for viewing global annotations” that includes “loading a first set of data with a first application” and “identifying one or more data elements in the first set of data to which global annotations have been anchored.” For all the reasons given above, Applicants submit that the “notes” “sub-notes” and “links” described in *Rivette* clearly fail to disclose a “global annotation.”

Further, *Rivette* does not disclose the step recited by claim 22 of “providing an interface, accessible from the first application, allowing a user to view a global annotation for a selected one of the identified data elements, wherein at least one of the global annotations was previously created from a second application loading a second

set of data containing a data element to which the at least one global annotation is anchored.” The Examiner rejects claim 22 by merely referring to the rejection of claims 1, 12, and 20. However, the system of *Rivette* describes a system where users create a “note” for a specific web page accessed by a web browser. When a user subsequently accesses the same web page (again using a web browser) the note may be accessed through the web browser, i.e. through the same application used to create the note. Thus, Applicants submit that *Rivette* does not disclose allowing a user to view a global annotation for a selected one of the identified data elements, wherein at least one of the global annotations was previously created from a second application loading a second set of data containing a data element to which the at least one global annotation is anchored.

For all the foregoing reasons, Applicants submit that *Rivette* does not anticipate independent claim 22 or dependent claim 23. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### Claim Rejections - 35 U.S.C. § 103

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Rivette* and further in view of *Barger* *et al.* (U.S. Publication No. 2004/0205542, hereinafter “*Barger*”). Claim 16 depends from independent claim 12. As Applicants believe the above remarks demonstrate that *Rivette* does not disclose the limitations recited by claim 12, Applicants submit that the rejection of claim 16 is overcome without the need for further comment.

#### Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney



of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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